

## Message Text

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PAGE 01 STATE 005730  
ORIGIN EB-08

INFO OCT-01 EA-10 ISO-00 CAB-02 DOTE-00 L-03 /024 R

DRAFTED BY EB/OA:MHSTYLES:VLV

APPROVED BY EB:JLKATZ

CAB - LBROWNE

DOT - RYOUNG

L/EB - FWILLIS

EA/J - S.ECTON

EB/TCA - JWBILLER

-----101965 100043Z /66

O 100010Z JAN 78

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO IMMEDIATE

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E.O. 11652: N/A

TAGS: EAIR, JA

SUBJECT:CIVAIR - DISAPPROVAL OF FLYING TIGER APPLICATION

REF: STATE 3908

1. DEPT BELIEVES IT ESSENTIAL THAT US FORMALLY PROTEST GOJ FAILURE APPROVE FLYING TIGER (FTL) APPLICATION TO EXTEND THREE OF ITS FLIGHTS TO SINGAPORE AS VIOLATION 1959 AGREED MINUTES AND TO NOTE POSSIBILITY US RETALIATION. ACCORDING-  
LY, EMBASSY REQUESTED DELIVER NOTE TO MOFA AT APPROPRIATELY HIGH LEVEL AS FOLLOWS:

A. (COMPLIMENTARY OPENING) AND REFERS TO THE RECENT FAILURE OF THE JAPANESE AERONAUTICAL AUTHORITIES TO APPROVE AN APPLICATION BY FLYING TIGER AIRLINES TO EXTEND THREE OF ITS ALL-  
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CARGO FLIGHTS TO SINGAPORE EFFECTIVE JANUARY 9, 1978.

B. THE USG REGARDS THIS FAILURE TO APPROVE THE APPLICATION AS A VIOLATION OF THE AGREED MINUTES OF JANUARY 14, 1959, WHICH WAS CONFIRMED AS AN INTERGOVERNMENTAL UNDERSTANDING BY AN EXCHANGE OF NOTES DATED DECEMBER 28, 1965. THE AGREED MINUTES ARE EXPLICIT IN PROVIDING THAT "ALL FILINGS OF

SCHEDULES ENVISAGING CHANGES IN CAPACITY OR FREQUENCY BY US CARRIERS WOULD, BY ACTION OF THE JAPANESE AERONAUTICAL

AUTHORITIES, BE PERMITTED TO TAKE EFFECT ON THE DATE SPECIFIED IN SAID FILING."

C. THE AGREED MINUTES OF JULY 12, 1977, PROVIDED THAT THE CAPACITY OF THE RESPECTIVE AIRLINES SHOULD NOT BE INCREASED PENDING THE CONCLUSION OF THE REVISION TALKS AND THAT, IF THESE TALKS WERE NOT COMPLETED BY DECEMBER 31, 1977, THE TWO SIDES WOULD CONSULT FOR THE PURPOSE OF CONSIDERING A LIMITED SHORT-TERM EXTENSION OF THE UNDERSTANDING. DUE TO THE JAPANESE DEFERRAL OF FURTHER NEGOTIATIONS UNTIL MARCH 1978, IT WAS NOT POSSIBLE TO CONCLUDE THE REVISION TALKS BY DECEMBER 31, 1977. US DOCUMENT 5, DELIVERED TO THE JAPANESE AUTHORITIES ON JANUARY 5, 1978, STATED THAT THE US WAS NOT PREPARED TO ACCEPT ANY FURTHER DEROGATION OF THE 1959 AGREED MINUTES WITH REGARD TO CAPACITY RESTRICTIONS. THE 1959 AGREED MINUTES THEREFORE REMAIN IN FULL FORCE AND EFFECT.

D. THE USG TRUSTS THAT, UPON REVIEW OF THE MATTER, THE GOJ WILL TAKE STEPS PROMPTLY TO APPROVE THE FLYING TIGER APPLICATION CONSISTENT WITH ITS OBLIGATIONS UNDER THE CIVIL AIR TRANSPORT AGREEMENT AND THE RELATED 1959 AGREED MINUTES. SUCH ACTION, WHEN VIEWED IN THE LIGHT OF THE STATEMENT IN LIMITED OFFICIAL USE

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US DOCUMENT 5 THAT US CARRIERS DO NOT INTEND TO INCREASE THEIR TOTAL NUMBER OF REGULAR FREQUENCIES OPERATING TO AND FROM JAPAN AT ANY DATE PRIOR TO MARCH 31, 1978, WILL AVOID THE US HAVING TO CONSIDER COMPENSATING ACTION WITH REGARD TO THE JAPANESE AIRLINE AND WILL MAKE IT POSSIBLE TO PROCEED WITH THE REVISION NEGOTIATIONS IN A CONSTRUCTIVE ATMOSPHERE.

2. ON JANUARY 9, FTL FILED PETITION WITH CAB REQUESTING THAT IT SUSPEND JAL'S AUTHORITY TO CARRY AIR FREIGHT BETWEEN SINGAPORE AND US UNTIL FTL APPLICATION TO JCAB APPROVED. VANCE

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## Message Attributes

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**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CIVIL AVIATION, LICENSES  
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**Disposition Comment:** 25 YEAR REVIEW  
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**TAGS:** EAIR, JA, FLYING TIGER  
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**Review Markings:**  
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